

Maine Coastal Zone Management Program

**Guidelines  
for  
Maine's Growth  
Management Program**

COASTAL ZONE  
INFORMATION CENTER

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**Office of Comprehensive Planning  
Department of Economic and Community Development  
Augusta, Maine**

GUIDELINES

FOR

THE COMPREHENSIVE PLANNING AND LAND USE REGULATION ACT

(30 M.R.S.A. SEC.4960)

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I. OVERVIEW OF THE COMPREHENSIVE PLANNING AND LAND USE REGULATION ACT

This section provides a brief overview of Maine's new growth management legislation and the responsibilities it imposes on Maine's municipalities, regional councils, and state agencies.

A. Purpose of the Act

The Comprehensive Planning and Land Use Regulation Act of 1988 (Title 30 M.R.S.A. Sec. 4960) establishes a cooperative program of comprehensive planning and land use management among municipalities, regional councils, and the state. The focal points of the program established by the Act are:

- 1) the establishment of state goals to provide overall direction and consistency to those planning and regulatory actions of municipal and state agencies that affect natural resource management, land use, and development;
- 2) the establishment of technical and financial assistance programs through the State's Office of Comprehensive Planning and regional councils to encourage and help municipalities develop local growth management programs; and
- 3) the establishment of a process for the review of local growth management programs by the State's Office of Comprehensive Planning and regional councils to ensure their consistency with the requirements of the Act.

B. Requirements of the Act

The Act requires each municipality in the state, except those municipalities within the jurisdiction of the Maine Land Use Regulation Commission, to develop a local growth management program that is consistent with the ten state goals set forth in the Act, with other provisions of the Act, and, for coastal communities, with the Coastal Policies set forth in Title 38 M.R.S.A. Sec. 1801. (Additional information on the Coastal Policies is included in a later section).

Under the Act, a local growth management program involves two steps:

1. The preparation of a comprehensive plan that complies with the provisions of the Act, review of and comment on that plan by state agencies and the applicable regional council before its adoption; and
2. The preparation of an implementation program that is consistent with a complying comprehensive plan, and review of and comment on the initial zoning ordinance contained in the implementation program by state agencies and the applicable regional council before its adoption.

If a town fails to adopt a new or amended comprehensive plan in accordance with the Act, the Act specifies that any subdivision, site review, or impact fee ordinance or regulation in effect on the specified deadline date for submittal of a comprehensive plan for review shall be without force at some specified time, at least one year after the applicable deadline date. (There are conflicts in the Act regarding the specified time. This will be resolved in the spring of 1989.) Such regulations will also be without force if they are inconsistent with an adopted comprehensive plan that complies with the Act.

The Act also establishes a voluntary program whereby a municipality may request the state to certify its local growth management program as being consistent with the Act. The Act does not require such certification, but does establish certification as a prerequisite to obtaining certain state grants and assistance.

C. Local Growth Management Program Defined

1. Local Growth Management Program

A local growth management program is a continuing process whereby a municipality establishes goals for its future, defines policies intended to attain the goals, designs and executes strategies to implement the policies, and monitors the effectiveness of the policies and strategies in attaining the goals.

Growth management is the process by which a community designs a program to influence the characteristics of future growth and to achieve community goals and policies. The local growth management program should address the social, economic, and natural resource concerns of the community. A local growth management program consists

of a comprehensive plan and an implementation program.

## 2. Comprehensive Plan

The comprehensive plan serves several functions. It is an expression of a municipality's vision of its future and is a guide to making the many public and private decisions that determine a community's future. The plan is also a source of basic information about existing and expected conditions in the municipality. Finally, it is legal support for the rational basis for the municipality's land use controls.

The comprehensive plan represents the first stage of the local growth management program. The comprehensive plan:

- describes and analyzes existing conditions affecting a municipality's growth and development;
- projections of such conditions into the future;
- identifies important problems and issues, establishes long-range goals for the municipality's future development;
- defines policies to achieve the goals;
- sets forth strategies to implement the policies; and
- provides basis for exercising land use controls -- zoning, subdivision ordinances, and all other local ordinances.

## 3. Implementation Program

Although the comprehensive plan is the backbone of the local growth management program, it is not effective until it is implemented through the application of specific policies, programs, regulations, and other municipal actions. Taken



together, these programs, regulations, and other actions constitute the implementation program.

4. Consistency with the Act

The comprehensive plan and the implementation program must be consistent with the Act in order to serve as the legal basis for local land use controls. Generally, a comprehensive plan is consistent with the Act if it effectively addresses the state goals, coastal policies, regional policies, and other requirements set forth in the Act and does so in a rational manner - i.e., clearly indicating logical connections between its analyses and projections of growth-influencing conditions and its policies and implementation strategies. An implementation program is consistent with the Act if it effects the implementation strategies called for in the comprehensive plan in a manner consistent with achievement of the plan's policies.

D. Local Discretion

The state goals established in the Act provide overall direction and consistency to the planning and regulatory actions of all state and municipal agencies affecting natural resource management, land use, and development. Although a local growth management program must be consistent with the state goals, the specific purpose and direction of a local growth management program is principally determined by the municipality, and must fit the particular situation of the community. In areas experiencing little or no growth, the local growth management program might attempt to encourage beneficial industrial, commercial, and residential development. In rapidly developing areas, on the other hand, the program might attempt to slow or better direct new development.

## II. PURPOSE AND ORGANIZATION OF GUIDELINES

This section briefly describes the purpose and organization of these guidelines.

### A. Purpose of Guidelines

The purpose of these guidelines is to assist the first priority municipalities (those municipalities offered planning grants by January, 1989) prepare work programs for developing their local growth management programs in a manner that is consistent with established state goals and other requirements of the Act. They are advisory and do not serve as state agency rules.

These guidelines offer instructive, directional, and positive guidance to aid a municipality in developing an effective local growth management program that is consistent with the Act. The guidelines cover the whole range of subjects addressed by the established state goals. They encourage appropriate and unique community responses. They create a planning and management process that can be undertaken in every municipality, even those with limited planning resources.

The words should and shall appear throughout these guidelines. Shall refers to actions that municipalities are required to do by the Act. Should refers to those actions that the Office recommends doing in order to develop a comprehensive plan consistent with the Act. For example, the Act requires that municipalities shall conduct an inventory and analysis of local resources. These guidelines list the data items that should be considered in developing an effective plan consistent with the Act. Not all the data items listed may be relevant for all communities nor may they be readily available. Municipalities should use their discretion in determining what items are relevant to their situation.

### B. Organization of Guidelines

The organization of these guidelines corresponds with the procedural stages involved in the development, review, and adoption of a comprehensive plan and an implementation program. These guidelines provide assistance in developing a local growth management program, from beginning to end, and are not intended to mandate a set format for a

comprehensive plan or the components of an implementation program.

C. Data Requirements

The Act requires municipalities to conduct an inventory and analysis of relevant data. The data required for the process will vary among municipalities depending on the local situation and the availability of data. These guidelines outline the data that should be considered by municipalities.

The intent of the program is to develop local comprehensive plans based on existing data, available from state, regional and local sources. Municipalities are neither required nor encouraged to conduct extensive data collection, unless it is a priority of the municipality. The Office of Comprehensive Planning is identifying existing data available from state and regional sources.

### III. ORGANIZING FOR COMPREHENSIVE PLANNING

Before starting the process of developing a comprehensive plan, a municipality should organize itself to develop the plan and formulate a "plan for planning." This section describes those steps a municipality should undertake to ensure that its comprehensive planning process is effective and efficient.

#### A. Designate a Local Planning Committee

The Act requires the municipal officers to establish or designate a local planning committee. The committee shall have responsibility for developing the municipality's comprehensive plan, initiating the subsequent development of the implementation program, and monitoring and periodically updating the comprehensive plan and implementation program.

The local planning committee will be responsible for organizing and directing the planning process and, as such, is critical to the success of the local growth management program. Its specific role may vary among municipalities, ranging from overseeing the work of planning department staff or consultants to actually doing much of the technical work involved in collecting information and developing policies and implementation strategies.

Municipalities are encouraged to designate a local planning committee with a membership that is broadly representative of geographic areas and of interests related to local land use and growth management issues. Local planning committee members should be selected by an open, well publicized public process. The existing planning board may be designated as the local planning committee.

#### B. Assess Available Planning Resources

The local planning committee should begin its planning process by assessing the availability of resources important to the development of its comprehensive plan. In assessing resources, the committee should consider municipal planning experience and organization, the availability and expertise of planning personnel, and the availability of funding for planning activities.

Past municipal or regional planning efforts may have generated useful background information and defined community issues and needs. Such efforts may have also established an organizational framework for planning and a base of community support for planning that might form the basis of the community's comprehensive planning process.

Assessment of available technical expertise and funding should indicate the extent to which a municipality needs outside technical and financial assistance, should identify possible sources of such outside assistance, (e.g. regional council staff, consultants, community organizations) and begin to identify the needs to which state planning grant assistance will be applied.

C. Outline the Planning Process

The local planning committee should outline the general process it intends to follow in developing a comprehensive plan. Each municipality should determine its own planning process based on the nature of its citizen participation program, its past planning experience, the availability of technical and financial resources, and its specific objectives for the plan.

Regardless of the specific intentions of a municipality, every comprehensive planning process should include the following stages:

1. Preliminary assessment of community problems, issues, needs, planning capabilities, and the extent to which these relate to the state goals, coastal policies, and regional policies;
2. Inventory and analysis of background information (the Act specifically requires this stage)
3. Establishment of goals and objectives (the Act establishes ten state goals that must be addressed - a municipality may add others)
4. Development of policies and plans (the Act specifically requires this stage)
5. Development of an implementation strategy (the Act specifically requires this stage)

D. Prepare a Citizen Participation Program

A municipality's comprehensive plan will shape the future character of the community, and thus may greatly affect the lives of its citizens. It is therefore essential that the citizens of a municipality be involved in the development of its comprehensive plan. Broad citizen participation in the comprehensive planning process ensures the exchange of information and ideas necessary to develop a plan that accurately addresses the community's values and needs. It also ensures the public understanding and commitment necessary to the successful implementation of the plan.

1. Citizen Participation Program

The Act directs municipalities to encourage and provide for broad citizen participation in all aspects of its comprehensive planning process. Although the Act specifically requires the local planning committee to hold at least one public hearing on its proposed comprehensive plan, a single hearing on a completed plan will not suffice as adequate opportunity for effective citizen participation in the planning process.

To encourage the broad citizen participation envisioned by the Act, the local planning committee should develop a citizen participation program that defines the procedures by which all segments of the community will have an adequate opportunity to effectively participate in all stages of the comprehensive planning process.

The citizen participation program should:

- a. ensure that opportunities for participation are available to community officials (eg., school board, municipal officers and department heads), citizens' groups (eg., business and civic organizations, environmental groups, the local grange), people with special interests (eg., farmers, local businesses, developers and realtors, low income groups, utility representatives), and citizens representing all economic, social, ethnic, and cultural viewpoints found in the community;
- b. ensure that opportunities for citizen participation exist at all stages of the planning process, from preliminary assessment of com-

munity issues and needs through to the development of implementation strategies and adoption of the plan;

- c. employ a variety of efforts and techniques to disseminate information to the public, educate citizens about comprehensive planning, and encourage effective citizen involvement in decision-making (such as newspaper articles and advertisements, television and radio public service announcements, newsletters, mailings, surveys, workshops and forums, citizen advisory groups and task forces, and public meetings);
- d. ensure that technical information used to make policy decisions is made available to the public in a simplified, understandable form; and
- e. establish mechanisms by which citizens may submit written comments to the local planning committee and receive responses from the committee.

No one citizen participation program will work for all Maine communities, due to the great variety in the character of the communities. Each municipality should tailor its citizen participation program to its own situation and needs.

## 2. Specific Notice Requirements

The Act establishes the following requirements concerning local planning committee meetings and hearings. The Act also provides that a municipality may modify these requirements if its charter or ordinances contain provisions governing procedures for adoption of comprehensive plans.

- a. The local planning committee shall conduct all of its meetings in open, public session and must post prior notice of each meeting in one or more places generally designated for public notices.
- b. The local planning committee shall publish notice of any public hearing it holds in a newspaper of general circulation in the municipality, with the first of at least two notices published at least 30 days before the hearing.

- c. When the local planning committee has prepared its proposed comprehensive plan, it shall make a copy of the plan available for public inspection at the municipal office, or other convenient location with regular public hours, at least 30 days before it holds a hearing on the proposed plan.
- d. When the local planning committee has received review comments from the state Office of Comprehensive Planning, it must make a copy of the comments available for public inspection along side the copy of its comprehensive plan.

E. Coordinate with Contiguous Municipalities and Regional Councils

Contiguous municipalities often share concerns arising from common geographical features, common transportation systems, and shared public facilities and services. By exchanging information about such concerns during their development of comprehensive plans, contiguous municipalities can better coordinate their comprehensive planning efforts and can better develop the regional coordination programs required by the Act.

At this early stage of the comprehensive planning process, a municipality should notify contiguous municipalities that it is developing a comprehensive plan and request information about those municipalities' own planning and development activities.

Each municipality should also recognize that it is part of a larger region where regional growth and development trends affect its growth and development and where its growth and development can, in turn, affect the region. Therefore, any municipality developing a comprehensive plan should contact its regional council at this early stage to obtain technical assistance, collect information, and acquaint itself with the regional issues that its comprehensive plan must address or will affect.

F. Consider Joint Planning

The Act specifically recognizes that two or more contiguous municipalities may wish to prepare a cooperative or joint comprehensive plan. Adjacent municipalities that share issues or concerns arising from common geographical features, common transportation systems, or shared public facilities and services are



encouraged to consider such a cooperative effort.

To establish a joint planning process among adjacent municipalities, the municipalities must formally agree on the procedures, representation, and cost sharing associated with the development of a joint comprehensive plan. The agreement shall be forwarded to the Office after its adoption.

G. Determine the Planning Period

The local planning committee should determine what time period the comprehensive plan will cover. The Act requires that the goals, objectives, and policies of a comprehensive plan be directed to a planning period of at least 10-years. The Act suggests that specific implementation strategies be designed for implementation within a 5-year period.

H. Formulate a Work Program

The local planning committee should formulate a work program that specifies the tasks, outputs, and responsibilities for each stage in the comprehensive planning process, and estimates the time each task will take. The committee should assign task responsibilities in accord with available resources and should make clear what is expected of those responsible for a particular task. The scheduling of tasks should represent an efficient and feasible sequence of planning activities and outputs.

#### IV. THE COMPREHENSIVE PLANNING PROCESS

This section describes a general planning process that should be used to develop a comprehensive plan that is consistent with the Act. The Act specifically requires a comprehensive planning process to include the inventory and analysis of data, the development of policies, the development of an implementation strategy, and the development of a regional coordination program.

##### A. Conduct a Preliminary Assessment

Before starting to gather base information, the local planning committee should conduct a preliminary assessment to identify local concerns and issues. The assessment should attempt to get a sense of:

- community values and goals;
- community assets and liabilities; and
- planning issues of most concern to the municipality.

The assessment will be helpful in establishing priorities among local problems, needs and concerns. While the comprehensive plan must address the established state goals, there may be other issues of local importance. Such preliminary assessment will also help to focus later decisions concerning what information needs to be collected and analyzed, what issues need to be addressed by goals and policies, and what implementation strategies are feasible.

The local planning committee should involve a broad base of citizen participation in its assessment of community values and goals. The committee should consider identified community values in the context of the ten state goals, regional policies, and coastal policies established in the Act. The purpose of the assessment is to reach a general consensus on what the community should be like at various stages in the future and on what physical, social, and economic goals the comprehensive plan should address.

The preliminary assessment should also identify community characteristics and development experiences that will contribute to or constrain the attainment of the community values and goals. For example, the existence of a local housing authority may be identified as an asset for attainment of an affordable housing goal, and the

existence of large minimum lot size requirements may be identified as a liability that discourages the construction of affordable housing. An assessment of the community's past development and growth management experiences might indicate existing and potential problems or opportunities for attaining community goals. As the local planning committee evaluates the community's assets and liabilities, it should also identify a set of planning issues that need to be addressed and should establish priorities among such issues if its capability to address all of them is limited.

## B. Inventory and Analyze Data

Comprehensive planning represents a rational decision-making process - a process where policies must logically arise from an analysis of relevant information. The Act requires that all policies set forth in a comprehensive plan must be supported by relevant and appropriate data. The inventory and analysis of data serves to establish the information base necessary to make policy decisions about future growth and development.

A standardized base map should be developed to aid the planning process. A standard scale for maps will assist in the development and interpretation of data. Maps should be at a scale that is easily interpreted and understood by citizens, and local, regional, and state officials.

### 1. Identify Required Information

Based on its preliminary assessment, the local planning committee should specify the types of information it will need to further inform itself about existing conditions in the community and to support policy decisions about future growth and development. To a large extent, data needed by the municipality will be available from state and regional sources.

Each community will differ in its informational needs and sources. For example, urban areas generally have more complex problems and needs than rural areas, and may need more extensive data collection and analyses concerning housing, traffic, economic conditions, and public facilities and services than concerning agricultural or forestry resources. Rural areas, on the other hand, generally have limited development

and minimal public facilities and services, and may need more extensive data collection and analyses concerning agricultural, forest, and natural resources than concerning traffic or public facilities.

Although the Act's establishment of state goals requires municipalities to consider a wide range of subjects, the level of detail in data collected about any subject is expected to vary with a municipality's needs and resources. A municipality should consider all of the following inventory and analysis guidelines. It is recognized, however, that some guidelines will not be applicable in some towns (eg., inventorying mass transit facilities in a rural town or inventorying marine resource facilities in an inland town). It is also recognized that the guidelines may not prescribe sufficiently detailed data collection and analyses to address the more focused issues and needs of some towns.

2. **Describe Community Character**

The local planning committee should gather information briefly describing the community's geographical and historical background so as to provide the perspective through which the community's current trends and conditions should be viewed. Such description should note the community's general location in relation to significant physical features (the coast, mountain ranges, great ponds, etc.) and urban areas, as well as its social, cultural, economic, political history and other factors that contribute to the character of the community. It should also briefly describe the community's origins and the historic patterns of its growth.

3. **Inventory and Analyze Population**

The comprehensive plan shall include an inventory of demographic data.

An assessment of the size, composition, and growth trends of a municipality's population, as well as comparisons to regional population characteristics, yields valuable information about the municipality's land use patterns, the demand for housing, the demand for community facilities and services, and the characteristics of the area's labor force.

a. Inventory

The inventory should include current data and historical data (going back at least 10 years) that quantifies, or otherwise describes, the following population characteristics:

- i) permanent population - for the region as well as the municipality;
- ii) seasonal population;
- iii) age and sex - median age and distribution of population by sex and age categories reflecting preschool age, school age, child-bearing age, working age, and retirement age;
- iv) education - distribution of population by level of educational attainment;
- v) occupation - number within labor force; number of employed/unemployed, distribution of population by occupation type and industry type;
- vi) total number of households - for the region as well as the municipality;
- vii) household size - average household size and distribution of households by size; and
- viii) household income - median household income and distribution of households by income categories, including categories reflecting lower income and very low income levels.

Data collected for the above population characteristics should be cross-tabulated and broken down into further categories where such cross-tabulation or further break-down contributes to identification of significant components of the population or significant household formations.

For purposes of projecting future populations, the local planning committee may also wish to collect data about the municipal birth rates, death rates, and migration rates.

b. Analysis

The comprehensive plan shall include 10-year projections of local and regional growth in population and residential, commercial and industrial activity. The analysis should identify trends in total population and household growth and in the distribution of population and households according to those population characteristics most significant in describing the municipality's population make-up. Such analysis should also compare municipal population characteristics and trends to regional and state population characteristics and trends.

The analysis should include an assessment of the reasons for the identified trends and for any significant differences among municipal, regional, and state population characteristics and trends.

The analysis should also include projections of future populations, households, and significant population characteristics, for at least the next ten year period. These projections should be based on clearly stated assumptions about those factors that influence, or are expected to influence, local population change. Such factors might include historical and recent population and development trends, municipal and regional economic trends, the status of community facilities and services, and the population's age characteristics.

#### 4.. Inventory and Analyze Existing Land Uses

The comprehensive plan shall include an inventory and analysis of land use information that describes current and projected development patterns. The Act also requires the comprehensive plan to inventory commercial forestry and agricultural land.

##### a. Inventory

An inventory should identify the amount and type of the following land uses, where applicable:

- i) residential development -- single-family homes, multi-family homes, year-round residents, mobile homes, seasonal residents;
- ii) commercial uses -- retail, services, offices, and recreational;
- iii) industrial uses;
- iv) publicly owned land and buildings -- municipal buildings, schools, libraries, solid waste facilities, etc.;
- v) transportation routes;
- vi) agricultural activities -- including commercial agricultural land;
- vii) forestry activities -- including commercial forestry land;
- viii) mining activities; and
- ix) large undeveloped tracts of land.

##### b. Analysis

The above information should be analyzed to determine general trends in land use activities, to assess where land is already committed to development, where development is likely to occur and where open space is located. The analysis should determine recent and historic trends in land uses (over the last ten years), identify conversions of land uses from one type to another, and identify where incompatible land uses are occurring.

The analysis should also include an assessment of the

effectiveness of existing regulations and programs in managing and guiding growth.

5. Inventory and Analyze Transportation Systems.

Municipalities shall inventory and analyze existing transportation systems, including the capacity of existing an proposed major thoroughfares, secondary routes, pedestrian ways and parking facilities.

a. Inventory

Inventories should include the location, amount and capacity of the following:

- i) Roads --
  - 1. Amount of roads -- miles of state-maintained roads, miles of locally maintained roads, miles of easements, and miles of private roads;
  - 2. Road data (if available) -- classification (for state roads), number of lanes, condition of roadway, design capacity, traffic counts, accident frequencies;
- ii) Parking Facilities -- for urban or commercial areas, for fishermen, clammers, and for other special concerns;
- iii) Bridges;
- iv) Rail Lines -- existing and abandoned;
- v) Airports;
- vi) Port Facilities (see Marine Resources); and
- vii) Pedestrian ways.

b. Analysis

Analysis of transportation systems should:

- i) identify existing or potential problem areas. Such areas may include areas with traffic congestion, areas where frequent accidents occur or poor road conditions;
- ii) assess the need for parking for the variety of land uses including commercial, residential,



recreational, or maritime facilities;

- iii) identify the need, if any, for additional roads to accommodate future growth;
- iv) assess the condition and adequacy of port facilities to meet the needs of commercial and recreational users (see Marine Resources);
- v) review local regulations for their effect on transportation;
- vi) assess the demand for rail services for commercial and industrial uses; and
- vii) assess the demand for other transportation systems such as buses or mass transit systems or airport facilities.

#### 6. Inventory and Analyze Public Facilities and Services.

Comprehensive plans shall include an assessment of capital facilities and public services necessary to support growth and development and to protect the environment and health, safety and welfare of the public and the costs of those facilities and services.

##### a. Inventory

The inventory of public facilities and services should examine all the facilities and services provided by the municipality. Information describing the facility and geographical service areas of each system, the condition, usage, and capacity of the facility shall be included in the inventory. Where a municipality participates in a regional or multi-jurisdictional service system, the inventory shall include those systems. The inventory should include the following:

- i) Water Supply -- storage, treatment, and disposal facilities, reservoirs, public wells, water mains;
- ii) Sewage Facilities -- sewer mains, pump stations, treatment plants, sludge disposal sites;
- iii) Solid Waste Facilities -- land fills, recycling centers, and transfer stations;
- iv) Public Safety -- police protection, fire control,

ambulance and rescue services, street lighting;

- v) Energy Facilities --
  - 1. Hydroelectric dams -- existing and potential sites;
  - 2. Utility Lines -- electric and natural gas transmission lines and pipes, electrical generating facilities and substations;
- vi) Communication -- telephone service, newspapers, radio and television stations, cable television, postal service;
- vii) Health care -- hospitals, health centers, clinics;
- viii) Culture -- libraries, museums, art centers, auditoriums;
- ix) Education -- nursery schools, primary and secondary schools, vocational and technical institutes, colleges or universities, special schools and educational services;
- x) Recreation -- public parks, playgrounds, stadiums, sport arenas, golf courses, swimming pools, beaches, picnic areas, and other recreational facilities (see recreational resources);
- xi) Cemeteries; and
- xii) General administration and services -- town halls, courthouses, municipal garages, and public works yards.

b. Analysis

An analysis of public facilities and service needs should include an estimate of current demands and a projection of future demands. Based on these projections, the need for new or expanded facilities and services required to meet the projected demands should be identified. The needs estimate shall include an estimate of the types, quantities, locations, and capacities of new and expanded facilities.

7. Inventory and Analyze Municipality's Fiscal Capacity.

A municipality's fiscal capacity should be analyzed to

determine the ability of the local government to meet future needs through public expenditures and other fiscal policies. This analysis will provide the basis for the capital investment plan called for in the implementation strategy section.

a. Inventory

The inventory should examine sources of revenue and expenditures by the local government. The following items should be considered:

- i) Revenue sources (local tax rate; property tax revenue; other taxes; licenses and fees; federal and state revenue sources); and
- ii) Total expenditures (operating and capital costs; total dept and debt by item).

b. Analysis

The analysis should:

- i) assess trends in revenues, (opening or closings of major businesses, increased development, changes in assessed valuation);
- ii) summarize increases or decrease in general administrative costs;
- iii) assess local tax burden and compare to surrounding towns;
- iv) identify trends in growth and development;
- v) project future growth and assess its potential impact on local revenues and expenditures; and
- vi) assess the municipality's ability to finance operating and capital expenditures.

8. Inventory and Analyze the Local Economy.

Comprehensive plans shall include an inventory and analysis of economic data that describes the municipality and the region within which its located.

a. Inventory

The local economy includes jobs, production, income, and activities in the municipality and has a direct effect on the well-being of the residents. An inventory of the local economy should include:

- i) Major employers (industrial, commercial, professional);
- ii) Occupations;
- iii) Labor force -- persons employed by industry;
- iv) Taxable retail sales;
- v) Value of resource-based industries -- agriculture, forestry, fishing, mining;
- vi) Commuter patterns.

b. Analysis

An analysis of economic development opportunities should identify existing and potential strengths and weaknesses in the local economy. If possible, a comparison of regional or state trends is useful in determining the strength of the local economy. General locational factors -- availability of the labor market, access to transportation systems, supporting public facilities, the availability of potential sites for businesses, the tax burden, and others -- should be assessed for their ability to support and encourage future development. The analysis should also identify opportunities that match local resources and desires for economic development. In addition, the analysis should determine whether sufficient land area will be available to accommodate a sustainable level of economic growth, and the need to protect existing commercial centers (e.g. downtown areas) from the adverse impacts of strip commercial development or regional commercial centers.

9. Inventory and Analyze Housing.

Municipalities shall inventory and analyze residential housing stock, including affordable housing. An assessment of local housing needs should examine all aspects of housing needs in the community. In developing a housing strategy,

consideration should be given to the needs of the elderly, individuals with mental or physical disabilities, first-time home buyers, and the homeless.

a. Inventory

An assessment of the supply and condition of a community's housing stock yields information about the community's land use patterns, the availability of housing, the affordability of housing (by type, tenure, and cost), the extent of subsidized housing, and constraints in the housing market. Collected housing information should include both current and historical data (over the last ten years) for the following:

- i) number of housing units -- for municipality, region, and state;
- ii) structure type -- single-family, multi-family mobile home, etc.;
- iii) tenure -- owner or renter occupied;
- iv) occupancy -- year-round or seasonal;
- v) unit size -- number of bedrooms;
- vi) cost -- monthly rent or value;
- vii) dwelling age -- age categories for the dwelling in which the unit is located;
- viii) assisted housing -- numbers of housing developments and units that have subsidized rents or prices;
- ix) physical condition -- number of substandard units; and
- x) vacancy rates -- for year round housing; and
- xi) residential development -- the type and pattern of residential development over the last five years.

b. Analysis

Analysis of housing data should examine trends in total housing stock and in each of the significant combinations of housing stock characteristics, as well as recent trends in the production and removal of housing units. Such analysis should also be compared with data on the local labor force and adjusted where

necessary to account for unmet housing demands of those persons who work in the area but are not part of its resident population due to their inability to find available or affordable housing within the municipality.

The analysis should also determine the needs for providing affordable housing. The Act requires municipalities to develop implementation programs that seek to achieve 10 percent of new development be affordable to households at or below 80% of the median household income.

A housing unit is affordable to a particular household if the monthly shelter costs associated with the unit do not exceed a reasonable percentage of the household's monthly income. For purposes of assessing what housing costs are affordable to particular households, or categories of households, municipalities should apply the following parameters:

- i) A renter-occupied housing unit is considered affordable to a household of a particular size and income if the unit's monthly estimated rent, insurance costs, and utility costs do not exceed 30% of the household's monthly income.
- ii) A owner-occupied housing unit is considered affordable to a household of a particular size and income if the unit's sales price or value does not exceed that for which monthly estimated mortgage payments (including principal and interest), property tax, insurance costs (homeowner's and private mortgage insurance), maintenance costs, and utility costs would equal 28% of the household's monthly income.
- iii) The median household income used by a municipality shall be that provided annually by the Maine Department of Economic and Community Development.

#### 10. Inventory and Analyze Natural Resources.

Natural resources includes topography and land cover. Land cover includes soils, wetlands water resources, hazard areas, and unique natural areas. Such information is useful in identifying opportunities and constraints for development and needs for protecting sensitive areas.

Municipalities shall inventory and analyze:

- significant water resources and their vulnerability to degradation; and
- significant or critical natural resources such as wetlands, wildlife and fisheries habitat, plant habitat, sand dunes, coastal islands, scenic areas, shorelands, and unique natural areas.

a. Inventory

Inventories should include:

- i) Topography -- lay of the land, steep slopes, river valleys, streams, low areas, and other significant features.
- ii) Soils -- depth to bedrock, depth to seasonal high water, suitability for onsite sewage disposal, prime and statewide important soils for agricultural and forestry purposes.
- iii) Land Cover -- forest lands (mature forests, young forests, cut forest lands), and agricultural land (tilled, pasture, abandoned, orchards, plantations).
- iv) Wetland Areas -- all coastal and inland wetlands, as defined by the Natural Resources Protection Act (38 M.R.S.A. Sec. 480). Municipalities are encouraged to identify wetlands resources of local or regional importance.
- v) Water Resources
  - 1. Surface Water
    - a. All lakes, rivers, streams, estuaries, including their state water quality classification.
    - b. Watershed areas for water bodies within the municipality as well as for water bodies downstream of the municipality.
  - 2. Ground Water
    - a. Existing groundwater supplies and their recharge areas (if available):

- public and community systems: water utilities and other community water supplies (mobile home parks, apartment complexes, condominiums, restaurants, campgrounds, etc); and
- individual water supplies: cluster of private wells and rural private wells.

3. Threats to water resources.

- a. Direct discharges of contamination.
- b. Potential non-point sources;
  - agricultural and forestry operations,
  - storm water runoff ( residential development, commercial and industrial development, public works projects);
  - septic systems;
  - landfills (existing and closed);
  - hazardous and petroleum storage facilities (above and below ground);
  - sand and salt piles;
  - resource extraction industries;
  - businesses using toxic chemicals or hazardous materials; and
  - sites of abandoned industries.

4. Areas experiencing problems with water quality or quantity.

- a. Coastal areas (salt water intrusion); and
- b. Wells near consumers of large quantities of groundwater.



- c. Eutrophic lakes or lakes with declining trophic status.
- 5. Potential sources of future public water supply (ground or surface waters).
- 6. Water resources requiring inter-local management.
- vi) Hazard areas -- flood plains, landslide areas, steep slopes, or areas vulnerable to sea-level rise.
- vii) Sand dune systems.
- viii) Wildlife and fisheries habitat -- (to the extent that they have been mapped and identified by the Department of Inland Fisheries and Wildlife)
  - 1. Habitat for species on the official state of federal lists of endangered or threatened species;
  - 2. High and moderate value deer wintering areas and travel corridors;
  - 3. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
  - 4. Critical spawning and nursery areas for Atlantic Sea Run Salmon;
  - 5. Shorebird nesting, feeding, and staging areas; and
  - 6. Seabird nesting islands.
- ix) Unique Natural Areas -- includes the following:
  - 1. Areas registered, qualified but not registered, or nominated as a Critical Area by the State Planning Office;
  - 2. Areas designated as national natural landmark by the National Park Service;
  - 3. Occurrences of endangered, threatened, or rare plants, animals, and natural communities as identified by the Natural Heritage Data Base in the Department of Economic and Community Development; and

4. Fragile mountain areas above 2,700 feet in elevation from mean sea level.

b. Analysis

i) Land resources

The above information should be summarized on a map or a series of maps to show areas with natural resources. The analysis should include an assessment of the amount and type of development occurring within the municipality and its effect on natural resources. The analysis should identify hazard areas, natural areas, and areas with potential for resource-based industries (agricultural and forestry).

ii) Water resources

Information regarding water resources should be analyzed to determine the needs for public water supplies and to determine protection measures.

- a. Determine the needs for public water supplies. This analysis should analyze development trends to estimate the amount and location of growth; determine proportion of population potentially needing water supply and the quantity needed to serve it; identify potential water supplies; and evaluate existing or potential threats to public and private supplies.
- b. Identify water resources for purpose of designing protection measures. Groundwater resources categorized as public water supplies (existing and potential), community water supplies (public and private), clustered private wells, rural private wells, contaminated areas, and areas experiencing problems with quantity.
- c. Determine the vulnerability of lakes to degradation, if information is available from the Department of Environmental Protection. The analysis should assess the amount of anticipated development pressure in the watershed, the potential impact this development may have on water quality, the amount of change in water quality that is acceptable and identify protection actions necessary to maintain water quality.

11. **Inventory and Analyze Marine Resources.** (Coastal communities only)

Municipalities shall include an inventory and analysis of marine-related resources and facilities such as ports, harbors, commercial moorings, commercial dock facilities and related parking, and shellfishing and worming areas.

a. **Inventory**

Inventories prepared by coastal communities should, where applicable, identify the following:

- i) All ports and harbors, located partially or entirely within the boundaries of the municipality. Basic information of the physical characteristics of each port or harbor should be obtained such as harbor depth (at high and low water), channel locations and dimensions, and historical storm and winter icing conditions. If applicable, the date and extent of past dredging projects.
- ii) All other shoreland areas identified by the community as being suitable for water dependent uses.
- iii) All shellfishing and worming areas, including polluted and contaminated areas. Public accessways to these areas should be identified.
- iv) The types of water dependent commercial and recreational users of the municipality's ports, harbors, and shoreline areas. Examples include clambers; wormers; fishermen; wholesale and retail seafood dealers; fuel, ice and bait vendors; aquaculture businesses; boat building, storage and repair; fish processors; ferry service; and recreational boaters.
- v) Existing public facilities and improvements that provide or enhance access to coastal water for commercial and recreational uses. -- docks, piers, wharves, floats, breakwaters, marinas, boat launching areas, walkways, picnic areas, scenic overlooks. Significant private facilities ( e.g. large marinas) should also be noted in the inventory.
- vi) Mooring and Berthing Facilities -- commercial and recreational.

- vii) Existing municipal fee schedules and annual revenues for the use of mooring, wharves, boat ramps and other facilities.

b. Analysis

Using the information described above and other relevant information collected for the comprehensive plan (e.g. data on economic development, water resources, or community recreation needs), the analysis should:

- i) Examine trends related to the conversion of shorefront property from water dependent to non-water dependent uses, and losses or gains of public accessways to the shoreline.
- ii) Articulate conflicts between various users of each port and harbor, and shoreland areas. For example, conflicts may arise during the summer months when local fishermen and pleasure boaters are competing for limited space at a town wharf. Overcrowded parking facilities is another common problem experienced by coastal communities.
- iii) Assess the adequacy of existing port, harbor, and shoreland facilities to meet the current and projected needs of commercial and recreational users. Problems or concerns related to existing mooring plans and other harbor management regulations should also be identified.
- iv) Assess the need for dredging or other maintenance activities in each port and harbor.
- v) Examine the extent to which local appropriations and revenues from municipal fees have supported port, harbor, and other shoreland access projects.
- vi) Identify related issues or problems, such as poor water quality, that have a direct impact on the use of ports, harbors, and shoreland areas.
- vii) In those municipalities where a port or harbor is shared by more than one municipality, the need for interlocal cooperation should be assessed.

## 12. Inventory and Analyze Cultural Resources.

Cultural resources include historic and archaeological resources, recreational resources, scenic resources, and public access plans.

Municipalities shall inventory and analyze:

- existing recreation, park and open space areas and significant points of public access to shorelands within a municipality;
- historic and archaeological resources;
- scenic areas; and
- coastal heritage areas as defined by Title 5 M.R.S.A. Sec. 3316.

### a. Inventory

Inventories should include:

#### i) Historic and archaeological resources.

- a. Identify historic and archeological resources including sites on the National Register of Historic Places, sites on existing historical surveys, local historic districts, and other sites of potential significance;
- b. Identify land uses surrounding or effecting these areas;
- c. Identify existing or potential coastal heritage areas.

#### ii) Recreational resources.

Inventories of recreational resources should note the location, condition and existing or potential use of the resources. The inventory should also note the capacity and condition parking and other public facilities related to the recreational resource. The inventory should include:

- a. Public and private recreational facilities and programs -- athletic fields, tennis courts, skating rinks; pools; school facilities and programs; private facilities;

campgrounds; resorts (for public facilities, see inventory under public facilities);

- b. Open space areas -- parks; nature preserves; game preserves and sanctuaries; publicly owned land (federal, state, regional, and local); trail systems (walkways, greenbelts, hiking, snowmobile, ATV, or ski trails);
- c. Important hunting or fishing areas;
- d. Access facilities to water bodies -- boat launches, beaches, waterfront parks. (see also marine resources);

iii) Scenic resources.

At a minimum, the comprehensive plan should identify areas within a municipality that may be important scenic resources. Such areas may include:

- a. Areas identified by the State as having scenic value;
- b. Views or view corridors from public places (roads, parks, etc.);
- c. Natural or cultural features in an identified view corridor (churches, lighthouses, fields, mountains, islands); and
- d. Parts of municipality that contribute to the character of the town (village square, historic sites, etc.).

Municipalities are encouraged to conduct an inventory of scenic resources according to a locally adopted methodology, but are not required to do so.

- iv) Public access opportunities to waterbodies and large tracts of land.

b. Analysis

- i) Historic and archeological resources.

The analysis for historic resources should:

- a. Assess the condition of the sites, any existing protection measures (easements, local ordinances, etc), and identify anticipated actions that may be harmful to the sites.
- b. Assess current survey work on local sites and identify the need for further work; and
- c. Assess the importance of historic and archeological resources to the local community and explore protection and management options.

ii) Recreational Resources.

- a. Assess the condition of existing recreational resources, including support facility such as parking, waste disposal, toilet, etc;
- b. Assess the need for additional recreational resources by type and amount.

iii) Scenic Resources.

- a. Assess the importance of scenic areas to the local community;
- b. Assess the ability of local regulations to manage scenic areas.

13. Summarize Inventories and Analyses.

The summary should relate the various components of the inventory and analysis section to one another, identify problems and needs, and develop findings of existing conditions and future needs. The base map that depicts the various physical elements in the plan is useful for summarizing the various components of the plan.

- a. Prepare land use map.

The information collected and analyzed above must be synthesized and integrated into a plan that addresses the goals identified in the Act. Information on land uses, housing, public facilities, natural resources,

marine resources and cultural resources should be assembled and displayed on land use maps. The land use maps will be useful for identifying community needs and options for directing and managing future development.

Opportunities and constraints to land use activities should be identified from the land use maps. The following areas should be identified:

- i. areas where development should be discouraged or carefully managed because of hazardous conditions, fragile natural resources, special cultural resources, or the area has potential for resource production activities;
- ii. areas suitable for certain types of development. For example, an area may have soils suitable for low-density residential uses but may not be suitable for high-density development; and
- iii. areas where community facilities exist or the municipality is considering providing facilities to those areas.

The analysis and projections developed for population, housing, public facilities, economic growth, and land use should be reviewed to project the development likely to occur over the next ten years. This should be compared with existing land uses and to natural and cultural resources to i) identify areas where conflicts may arise due to incompatible development, and ii) limitations on future development due to fragile areas, hazard areas, natural resources, resources production activities, or cultural activities.

- b. Develop Findings of Existing Conditions and Future Land Use Needs.

Written findings should summarize the information collected and analyzed above. In addition, the written findings should begin to establish priorities among the various needs and issues as well as establish relationships between them. These findings should lead directly into the development of goals and policies.



In developing the findings, the following questions should be considered:

- i) **Orderly Growth and Development**  
How much and what type of development does the municipality expect over the next ten years? What are the natural or cultural limitations on future land uses? What is the capacity of existing or planned public facilities to accommodate future land uses? What areas should be carefully managed to protect resources?
- ii) **Public Facilities**  
What are the most important needs for public facilities in the next ten years? How will the municipality finance projected needs? What measures are necessary to ensure that public facilities are provided at levels appropriate to the needs of the designated areas? What measures will be adopted to ensure that the addition or expansion of public facilities do not conflict with other goals?
- iii) **Economic Development**  
How will the municipality ensure a healthy economy? What kind of economic opportunities does the municipality want to encourage? Will space, public facilities, or transportation services be provided? What role does and will resource-based industries play in the local economy?
- iv) **Affordable Housing**  
Are the housing needs of the residents being met? How will the municipality ensure a range of housing needs, especially low-cost housing? Do standards and procedures for regulating development of housing unnecessarily discourage the development of housing? Are densities uniformly large throughout the municipality so to discourage affordable housing?
- v) **Water Resources**  
What water resources within the municipality are necessary for existing or potential public water supply? Do water resources meet the state water quality classifications? What water resources require special protection? Does the municipality currently regulate land use to minimize impact on surface and ground water resources? Are their water resources that require inter-local cooperation for protection?

- vi) Critical Natural Resources  
Where are flood or other hazard areas that pose threats to the general safety of human life and property? What other critical natural resources are located within the municipality? Are local policies consistent with the applicable state law (if not, they must be changed)? Are there wetland resources less than 10 acres in size that deserve local protection? Do existing state laws provide adequate protection of resources of local importance?
- vii) Marine Resources  
What marine resources -- shellfish areas, etc -- are located within the municipality? How important is the finfish, shellfish and worming industry to the local economy? How important are other water dependent businesses and industries to the local economy? What type of access is necessary for commercial fishing industry and other water dependent industries -- parking, mooring, docking, etc.? What types of port and harbor improvements and maintenance activities -- e.g. dredging -- are needed? Are these needs currently addressed? What policies and actions are necessary to address these needs? Are there conflicts between recreational and commercial uses of the waterfront and harbor areas? What kind of shoreline development may be incompatible with water dependent uses? What policies are necessary to protect water dependent uses?
- viii) Agricultural and Forest Resources  
What commercial agricultural or forestry resources exist within the municipality? Where are the prime soils for agriculture and forestry located? Are agricultural and forestry activities viable within the municipality? What kind of development may be incompatible with these activities? What policies should the municipality adopt for these resources?
- ix) Historic and Archeological Resources  
What historic and archeological resources exist within the municipality? How important are they to the character of the community? What policies are necessary to protect these resources? Are there landscapes that are important to the character of the community?

- x) Outdoor Recreation  
What recreational facilities and opportunities exist within the community? What traditional activities currently take place? Do these facilities meet the needs of current and projected uses? Are the current and projected recreational needs of the community being met?

C. Develop Policies.

1. Establish Policies.

Each comprehensive plan must include a policy development section that relates the findings of the inventory and analysis section to the state goals. The policy development section shall establish goals and policies to guide the development of the implementation strategies. These goals and policies must promote the state goals and any additional local goals that have arisen from the comprehensive planning process. In addition, the policies should articulate the community's vision for the future.

Each municipality's policies will be unique, reflecting the needs, desires, and values of the community. Because these policies establish the future direction of the community, it is essential that the policies are developed with a broad range of public participation. Policies may be derived from discussions about the municipality, surveys, from statements for local boards or other methodologies that provide for public input.

Each comprehensive plan shall contain policies that address the state and local goals. Policies shall:

- i) promote the ten state goals;
- ii) address conflicts in attaining various goals;
- iii) address conflicts between state, regional and local goals and policies;
- iv) address the coastal management policies (for coastal communities);
- v) evaluate alternative options and policies;
- vi) be based on the findings of the inventory and analysis sections; and
- vii) be reasonable and achievable within a ten-year period.

a. State Goals.

The policies shall promote the following state goals:

- i) To encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl;
- ii) To plan for, finance and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development;
- iii) To promote an economic climate that increases job opportunities and overall economic well-being;
- iv) To encourage and promote affordable, decent housing opportunities for all Maine citizens;
- v) To protect the quality and manage the quantity of the State's water resources, including lakes, aquifers, great ponds, estuaries, rivers and coastal areas;
- vi) To protect the State's other critical natural resources, including without limitation, wetlands, wildlife and fisheries habitat, sand dunes, shorelands, scenic vistas, and unique natural areas;
- vii) To protect the State's marine resources industry, ports and harbors, from incompatible development and to promote access to the shore for commercial fishermen and the public;
- viii) To safeguard the State's agricultural and forest resources from development which threatens those resources.
- ix) To preserve the State's historic and archeological resources;
- x) To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters.

b. Coastal Policies

Local planning committees in coastal communities shall determine how the Coastal Policies will be addressed as part of the overall planning process. The Act requires that local growth management programs for coastal communities be consistent with the nine Coastal Policies (contained in the 1986 Maine Coastal Act, 38 M.R.S.A. 1801). The Policies, listed in Appendix A, cover a range of topics of special concern to coastal communities such as public access to the shoreline, harbor management, protection of water dependent uses, and marine resource management.

Although the concerns addressed by the Coastal Policies are similar to many of the state goals established by the Act, the Policies provide more specific direction for coastal communities. Coastal communities should use the Coastal Policies as a guide in identifying those local issues and problems related to ports, harbors and coastlines and developing community goals and policies.

c. Regional Policies.

In addition to the above goals and policies, the comprehensive plans shall address any regional policies developed by the appropriate regional council.

d. Local Goals and Policies.

Municipalities should develop any additional goals necessary to address local issues identified through the planning process.

2. Develop a Land Use Plan.

- a. One or more land use plans should be developed to aid in the formulation of both the local policies and implementation strategies. A land use plan is a graphic representation of where certain policies apply and how they will determine future growth and development. The land use plan graphically presents local policies as to the type, location, amount, and timing or the municipality's future development and the location of natural and cultural resources it will conserve.

Land use plans are a useful tool for municipalities to

coordinate and implement local policies. As such, a number of plans can be drafted to reflect alternative policies or combination of policies. Comparison of these plans can assist local planning committees in choosing among the various policies in developing a final land use plan.

The final land use plan should serve as a basis for designing the strategies that will implement chosen policies. By delineating land areas on a map, the land use plan specifies those areas where certain policies and implementation strategies apply. The land use plan provides the link between written policies and their application to the land. From the land use plan, specific implementation strategies can be tailored to certain land areas.

b. Growth and Rural Areas

Under the Act, municipalities shall designate at least two geographic areas -- growth and rural areas -- and develop specific implementation strategies for guiding growth in these areas. The purpose of designating two areas is to promote orderly growth, protect rural character, make efficient use of public services, and prevent urban sprawl. The Act defines growth areas to be those areas within a municipality that are suitable for orderly residential, commercial and industrial development for the next ten years. Rural areas are defined as those areas where protection should be provided for agricultural, forest, open space, and scenic lands.

i) Growth Areas

Growth areas are those areas where the municipality will direct the projected growth and development -- residential, commercial, and industrial -- for the next ten years. For these areas, municipalities must be prepared to provide the necessary public facilities to accommodate anticipated growth. In urban communities, these services might include the provision of sewer and water systems, transportation, and police and fire. In rural communities, public services do not necessarily include water and sewer systems but might include roads, post offices, and public safety services.

The amount of area within the growth area shall be large enough to accommodate projected growth and

the land should be suitable for future growth. The suitability of land to accommodate future development should be based upon the availability and quality of water resources, the ability of the land to accommodate sewage disposal, and proximity to existing development and major transportation corridors.

Growth areas should include:

1. Developed areas that contain a mix of land uses and where undeveloped land remains and is served or scheduled to be served by public services such as water, sewer, police and fire protection;
2. Transitional areas that are free of physical constraints for future development. These areas may be in proximity to existing development and major transportation routes should be considered; and
3. Community areas comprised of dispersed clustered residential or commercial uses where services are minimal or limited.

Growth areas should not include:

1. Resource areas with special value for natural resources such as agricultural lands, forest lands, potentially valuable mineral deposits, valuable water resources and the land necessary to protect those resources, archeological sites, important open space areas, and natural resources such as wildlife habitat.
2. Hazard areas that pose high risks to life and property from natural or manmade hazards, or might damage or destroy natural systems, such as flood hazard areas, steep slopes, or areas subject to sea level rise.

Natural resources may not fall neatly into just the rural areas. If significant natural resources occur in a designated growth areas, municipalities shall ensure appropriate protection of these areas.



ii) Rural Areas

Rural areas are those areas intended for resource production and other allied land use as well as the long-term protection of areas with significant natural, cultural, scenic, or recreational resources. Included in these areas are those rural landscapes which are important to the character of the municipality. Development in these areas shall be compatible with these resources.

The purpose of the rural designation is to provide for the long term protection of irreplaceable natural or cultural resources. Rural areas are not intended to be areas set aside for future growth. Rather, rural areas should be those areas within a municipality that deserve different management in order to protect and maintain these rural characteristics. These areas are intended to protect and manage those natural, productive, scenic, cultural, or recreational resources.

Rural areas may vary among municipalities depending on the local situation. In more urban municipalities, rural areas maybe areas primarily containing significant natural resources. In more rural communities, these areas should include areas important for resource production activities -- agriculture, forestry, and mining -- and other natural and cultural resources.

Rural areas should include:

1. Resource production areas -- areas that are appropriate for or currently used for agricultural, forestry, resource extraction, and related uses;
2. Rural landscape or other important scenic areas;
3. Conservation areas -- areas that are comprised of significant or unique natural areas (wetlands, wildlife habitat, water resources, shorelands, sand dune systems), recreational areas, or hazard areas.
4. Limited residential development compatible with the above purposes.

Rural areas should not include:

1. Future growth areas -- areas that the municipality has designated for directing future growth;
2. Uses that the municipality identifies as being incompatible with the purpose of the rural areas.

Development inconsistent with the value and character of the rural should be discouraged. In some areas, due to physical constraints or state, regional or local policies, development should be prohibited.

### iii) Additional Areas

Planning committees are encouraged to subdivide the two basic land areas. For many situations, the two areas will not be effective in attaining state and local goals and policies. Municipalities should consider using additional classifications.

Useful classifications for growth areas might include urban areas, commercial areas, industrial areas, residential areas (single-family, multi-family), neighborhood commercial areas, village or hamlet areas, or other areas necessary to implement policies.

Rural areas might be subdivided into resource protection areas, rural residential areas, agricultural districts, flood hazard areas, wetland protection areas, or other areas.

Transitional areas may be a useful designation for those areas identified by a municipality as where future growth --beyond the ten year planning period -- will be directed. These areas should not include land with physical limitations or lands with special value for natural or cultural resources.

### iv) Management of Growth and Rural Areas

For each geographic area, the plan must contain specific criteria for how the municipality intends to manage and accommodate future development within the

growth area and to protect rural resources. To fulfill the intent of the law, there must be a clear distinction between the regulations in the growth areas and the regulations in the rural areas.

D. Develop an Implementation Strategy.

The comprehensive plan shall contain an implementation strategy section that identifies those programs, activities, and regulations to ensure that the State goals are met and to implement the policies and the land use plan. The strategies identified in this section will guide the subsequent adoption of land use ordinances, specific programs, and other actions. The Act requires that significant ordinances identified in the section be adopted within one year of the plan. In addition, the Act requires comprehensive plans to contain a timetable for implementing the land use plan and the policies.

1. Develop Implementation Strategies

The various actions identified in this section should be compatible with one another, achievable within a five-year period, and financially feasible. For each policy, the plan should identify the action to be taken, estimate the cost of the action, assign responsibility for the action, and establish a timeframe for completing the action. To facilitate implementation of the plan, priorities should be established for specific actions. The legislation requires that a zoning ordinance and other significant components of the implementation program must be adopted within a year of adoption of the plan.

The implementation strategy section should be derived from an evaluation of alternative strategies. In evaluating alternatives, consideration should be given to the cost of the proposed actions, whether the actions are consistent with community values, the effectiveness of the actions in achieving the policy, and the compatibility of the actions with other actions. Possible methods include, but are not limited to:

- a. zoning, subdivision regulations, shoreland zoning, natural resource protection regulations, site plan review, performance standards zoning, impact

- fee regulations, flexible zoning techniques;
- b. health regulations, building and safety codes;
- c. community and economic development programs;
- d. land protection programs (land banks, acquisition programs, etc.);
- e. coordination of public and private actions;
- f. special programs;
- g. special financing techniques;
- h. fee and less-than-fee acquisition;
- i. tax incentives and disincentives; and
- j. further specialized studies.

2. Address Legislative Guidelines

Strategies must be consistent with the implementation guidelines and goals in the Act. These guidelines require local implementation actions to:

- a. Identify and designate at least 2 basic types of geographic areas, growth and rural areas, and establish standards for development in these areas. For growth areas, municipalities shall establish standards for development, establish timely permitting procedures, ensure that needed public services are available, and prevent inappropriate development in natural hazard areas, including flood plains and areas of high erosion. For rural areas, the municipality shall adopt land use policies and ordinances to discourage incompatible development.

The implementation strategy must identify how a municipality intends to implement its land use plan. The strategy should provide the framework for the zoning necessary to implement the plan. The implementation strategy must indicate how development will be managed differently in the designated areas in order to attain state and local goals.

b. Develop a capital investment plan for financing the replacement and expansion of public facilities and services required to meet projected growth and development.

The capital investment plan must identify how the municipality will finance the identified implementation strategies. Based on the assessment of the municipality's fiscal capacity, the capital investment plan establishes funding priorities for need improvements and identify probable funding sources. The plan should:

- identify funds for the provision of those capital improvements to municipal facilities necessary to support the timing, type, location, and intensity of development identified in the plan;
- establish an on-going capital investment process for the annual needs assessment, detailed planning, and budgeting for municipal capital improvements; and
- establish a program to ensure coordination in the timing of improvements, repair, and creation of needed public improvements.

c. Protect, maintain, and, where warranted, improve the water quality of each water body according to the state classification system (38 MRSA 464).

The implementation strategy must identify the management techniques the municipality will use to protect and maintain water quality. Programs must contain one or more of the following -- land use ordinances that regulate development in the watershed of significant water bodies, the adoption of best management practices, the provision of sewer and water facilities, land use protection measures for public water supplies, or other techniques effective in achieving the above.

d. Ensure that land use policies and ordinances are consistent with existing state laws regarding critical natural resources. Municipalities are encouraged to adopt more stringent regulations.

At a minimum, local ordinances must be consistent with The Natural Resources Protection Act (38 MRSA 480-A), The Endangered Species Act (12 MRSA 7751), and The Mandatory Shoreland Zoning Act (38 MRSA 435).

e. Preserve access to coastal waters for commercial fishing, mooring, docking, and related parking facilities; and discourage new development that is incompatible with uses related to the marine resources industry.

Coastal municipalities must adopt coastal management programs that address the above guidelines and the state's coastal policies. These programs might include:

- preparing public access plans;
- developing harbor management plans and enacting harbor ordinances;
- developing and enacting land use regulations to manage and protect water dependent uses, public access, and other coastal resources;
- acquiring significant waterfront parcels;
- prepare an investment plan for public waterfront facilities; and
- other management tools.

f. Ensure the protection of agricultural and forest resources. New development that is incompatible with the agricultural and forest industry should be discouraged.

Municipalities with important agricultural and forest resources, as identified through the inventory, analysis, and policy development sections of the comprehensive plan, must adopt measures to protect those resources from incompatible development. At a minimum, important farm and forest lands should be included in the designated rural area. Protection programs might include:

- special resource protection districts;
- programs to encourage participation in the farm and open space tax law;
- programs to provide infrastructure for resource-based industries;
- acquisition programs for important land (fee or less-than-fee simple); or
- other actions effective in protecting agricultural and forestry activities.

g. Ensure that land use policies and ordinances encourage the siting and construction of affordable housing within the community. The municipality shall seek to achieve that at least 10% of new residential development, based on a five year average of residential development in the municipality, meets the definition of affordable housing.

Municipalities must develop a housing strategy that sets forth regulatory and non-regulatory techniques to be taken to provide for a range of housing opportunities within the municipality. The housing strategy should address the needs of low and moderate income households, including housing for the elderly, persons with mental or physical disabilities, and first-time home buyers. The municipality must demonstrate that the chosen strategy or strategies will meet this objective. Implementation strategies might:

- increase allowable densities, provide density bonuses or other incentives for affordable housing, streamline permit review and processing, increase the amount of land zoned for multi-family and manufactured housing, ensure that local ordinances allow for and do not hinder owner-built housing;
- inventory public lands and identify sites suitable for the development of affordable housing;
- undertake a program to acquire land and make it available at a reduced price for the development of low-cost housing;

- establish a local housing authority or nonprofit organization to develop and operate affordable housing; and

- utilize federal, state, and local housing subsidy programs.

h) Ensure the protection of historic and archeological resources.

The implementation section must include measures that will protect local historic and archeological resources. Such measures might include:

- preservation ordinances that regulate activities within a historic district;

- acquisition programs (fee simple or less-than-fee simple) to protect historic buildings;

- amendments to site plan or subdivision ordinances to protect historic and archeological resources;

- historic review commissions that oversee protection of historic resources; or

- areas for further inventory or study work.

i) Encourage the availability of and access to traditional outdoor recreation opportunities, including without limitation, hunting, boating, fishing and hiking. Each municipality shall identify and encourage the protection of undeveloped shoreland and other areas identified in the local planning process as meriting such protection.

Each comprehensive plan must identify the actions that will be taken by the municipality to provide local outdoor recreational activities. Such actions might include:

- a public access plan that identifies important access points and includes strategies for their acquisition, maintenance, and protection;

- amendment of local ordinances to require the provision of open space for the residents of new developments;



- a recreation plan that identifies local facilities and programs and establishes a program for acquisition and maintenance; or
- cooperative efforts with private organizations to develop recreational facilities and opportunities.

Other strategies should also be developed to address policies not addressed above such as economic development. Comprehensive plans should include specific policies to implement economic development strategies it has developed. Implementation strategies might include market studies, programs to recruit new industries and businesses, programs to foster the viability of small businesses, programs to revitalize downtown commercial areas and nurture resource-based industries.

**E. Develop a Regional Coordination Program.**

The comprehensive plan shall contain a regional coordination program for the management of shared resources and facilities. The program must identify natural or cultural resources of regional significance or that extend beyond the municipal borders. For each resource, the program must identify other municipalities or agencies with responsibility for managing the resource. The program must be developed and approved by all affected parties.

In identifying resources and facilities requiring regional coordination, the municipality should contact the appropriate regional planning council. Consideration should be given to resources that are either of state or regional importance, resources that extend beyond the boundaries of the municipality, and resources in other municipalities that maybe affected by local development. Such resources include, but are not limited to, rivers, lakes, aquifers, wetlands, estuaries, ports and harbors, major transportation corridors, scenic areas, and recreational resources.

Regional coordination programs shall contain specific implementation actions for the management of these resources. Such actions may include joint studies, the development of joint land use regulations, or cooperative acquisition programs. The program must ensure that comprehensive plans and implementation programs of different municipalities are consistent for these shared resources.

V. STATE AND REGIONAL COUNCIL REVIEW OF COMPREHENSIVE PLAN

This section describes the process and requirements applicable to the review of municipal comprehensive plans by state agencies and regional councils.

A. Submittal of Plan

A municipality must develop a comprehensive plan and submit the proposed plan to the Office of Comprehensive Planning for review and comment. A municipality must submit a comprehensive plan to the Office within 2 years after the date on which the Office offers the municipality a municipal planning assistance grant.

A municipality's local planning committee must submit a copy of its proposed comprehensive plan to the Office and applicable regional council at least 60 days before the local planning committee holds a public hearing on the finished comprehensive plan proposal. No submittal is required before a public hearing on a preliminary draft of a proposed comprehensive plan or on only a portion of the plan.

The local planning committee should submit complete copies (including maps, charts, etc. not incorporated within the text) of its proposed comprehensive plan to the Office in person or by mail, and should submit complete copies of the plan to the applicable regional council, in person or by mail. Both submittals should be accompanied by the base data used or generated by the local planning committee in developing the comprehensive plan.

At the same time as the municipality submits its proposed comprehensive plan to the Office and applicable regional council, the local planning committee should make a copy of the proposed plan available for public inspection at the municipal office, or other convenient location with regular public hours. The committee shall do so at least 30 days before it holds a public hearing on the proposed plan.

B. State Agency and Regional Council Review

On receiving a municipality's proposed comprehensive plan, the Office will distribute copies of the plan, or relevant portions thereof, to various state agencies for their review and comment. Each state agency reviewing a proposed comprehensive plan must designate

a person or persons responsible for coordinating the agency's review.

On receiving a proposed comprehensive plan, the Office will mail written notice of such receipt to those municipalities contiguous to the municipality submitting the plan. The Office will also publish notice of such receipt in a newspaper of general circulation in the municipality. The notices must indicate where a copy of the plan may be viewed and when and how citizens and contiguous municipalities may submit written comments on the plan to the Office.

The Office will receive written comments on a proposed comprehensive plan for 45 days following its receipt of the submitted plan.

State review of a proposed comprehensive plan will be based on the plan's consistency with the state goals and guidelines established in the Act. Such review will focus on what conclusions are reached in the plan, but will not second-guess the values and priorities reflected in the plan. State review will focus on whether the conclusions are reached in a rational manner, and will consider whether, in light of the relative priorities it establishes among the state goals, the plan achieves each state goal. Questions posed during state review of comprehensive plans might include the following:

Is the breadth of information used in the plan sufficient to address all of the plan's goals?

What is the quality of the data used in the plan? Given constraints on time and resources, were the data sufficiently relevant, accurate, complete, specific, and up-to-date to allow the informed conclusions and recommendations necessary to the definition of issues and development of policies and implementation strategies?

Are accepted techniques and methodologies used to analyze collected data and make projections? Are assumptions used clearly stated?

Do the plan's established goals include the ten state goals set forth in the Act? Are potential conflicts among the established goals identified? Are relative priorities among conflicting goals established?

Are the developed policies clearly based on the

findings derived from analyses of collected data? Do they promote achievement of established goals and reflect established priorities among the goals?

Are alternative policies considered for resolving the various issues? Are the reasons for choosing one alternative over others clearly explained?

Are the developed policies sufficiently specific to clearly indicate the particular strategies by which they might be implemented?

Are the developed implementation strategies effective in implementing the developed policies? Are alternative strategies considered for the various policies? Are the reasons for choosing one strategy over others clearly explained?

Are the developed implementation strategies sufficiently specific to clearly define what actions will be taken to effect them?

Are the developed policies, implementation strategies, and implementation timetable realistically feasible, given the municipality's fiscal and legal constraints and the degree of community support?

Does the plan contain evidence that broad citizen participation occurred at all stages of the planning process?

When reviewing the proposed comprehensive plan of a municipality within its region, a regional council should analyze how the plan addresses identified regional needs and whether the plan is consistent with the comprehensive plans of other municipalities that may be affected by implementation of the proposed plan.

Comments submitted to the Office should, to the maximum extent feasible, specifically describe any deficiencies in the reviewed plan and recommend measures for remedying those deficiencies.

#### C. Office of Comprehensive Planning Comments

The Office must compile all written comments on a municipality's proposed comprehensive plan that it receives within the 45-day review period, and must submit the compilation of comments to the municipality's local planning committee and to the

applicable regional council within 60 days of its receipt of the proposed plan. Where feasible, the Office must include in its comments findings describing plan deficiencies and recommended remedial measures.

On receiving comments on its proposed comprehensive plan from the Office, and at least 30 days before it holds a public hearing on the proposed plan, the local planning committee must make the comments available for public inspection alongside the copy of the comprehensive plan displayed at the municipal office, or other convenient location with regular public hours.

The local planning committee must consider any written comments on its proposed comprehensive plan received from the Office within 60 days of the Office's receipt of the plan, and may incorporate any recommendations into its comprehensive plan.

The Office's comments and recommendations are advisory, and the Act does not require a municipality to incorporate them into its comprehensive plan. A municipality's local planning committee should recognize, however, that any unaddressed comments and recommendations will affect the Office's decision on any subsequent request for certification of the local growth management program as consistent with the Act. The local planning committee should also recognize that a favorable review by the Office may assist the municipality in supporting the validity of the comprehensive plan and any land use ordinances based on the plan.

#### VI. COMPREHENSIVE PLAN ADOPTION

A proposed comprehensive plan will be considered to have been adopted as part of a local growth management program when it has been accepted by the municipality's legislative body in accord with that body's rules for such acceptance.

## VII. IMPLEMENTATION PROGRAMS

This section notes the required relationship between a municipality's implementation program and its comprehensive plan and describes the process and requirements applicable to the review of municipal zoning ordinances by state agencies and regional councils.

### A. Implementation Program Required

After a municipality has adopted a comprehensive plan that is consistent with the Act, it must undertake those actions called for in the implementation strategy section of its comprehensive plan, and must do so according to the timetable contained in the plan's implementation strategy section. One of those actions must be the adoption of a new or amended zoning ordinance that is consistent with the comprehensive plan.

As the body responsible for development of a municipality's comprehensive plan and its recommended implementation strategies, the local planning committee would logically be deemed the body most capable of preparing the policies, programs, and regulations that put those strategies into effect. Under the Act, the local planning committee is responsible for at least initiating the preparation of implementation program components. If the committee is not to be responsible for the full development of implementation program components, it should initiate such development by providing the responsible parties with clear direction as to the meanings, intents, purposes, and scheduling of the comprehensive plan's implementation strategies.

### B. State and Regional Council Review of Zoning Ordinance

The Act provides that a municipality must submit to the Office of Comprehensive Planning the proposed new or amended zoning ordinance it has developed in response to the implementation strategy section of its comprehensive plan. For the purposes of this section, the term "proposed or new zoning ordinance" refers to a new zoning ordinance developed pursuant to the Act or an existing zoning ordinance amended to comply with the Act.

1. Submittal of Ordinance

A municipality must submit the proposed new or amended zoning ordinance to the Office for review and comment within one year after its submittal of a comprehensive plan to the Office for review and comment.

A municipality must submit a copy of its proposed new or amended zoning ordinance to the Office and applicable regional council at least 60 days before the municipality adopts the ordinance or amendments.

The municipality should submit complete copies (including maps, charts, etc. not incorporated within the text) of its proposed new or amended zoning ordinance to the Office in person or by mail, and should submit complete copies of the ordinance to the applicable regional council, in person or by mail.

2. State Agency and Regional Council Review

On receiving a municipality's proposed new or amended zoning ordinance, the Office will distribute copies of the ordinance to various state agencies for their review and comment. Each state agency reviewing a proposed new or amended zoning ordinance must designate a person or persons responsible for coordinating the agency's review.

On receiving a proposed new or amended zoning ordinance, the Office will mail written notice of such receipt to those municipalities contiguous to the municipality submitting the ordinance. The Office will also publish notice of such receipt in a newspaper of general circulation in the municipality. The notices must indicate where a copy of the ordinance may be viewed and when and how citizens and contiguous municipalities may submit written comments on the ordinance to the Office.

The Office will receive written comments on a proposed new or amended zoning ordinance for 45 days following its receipt of the submitted ordinance.



State review of a proposed new or amended zoning ordinance will be based on the ordinance's consistency with the implementation strategies contained in the municipality's comprehensive plan and with the provisions of the Act.

When reviewing the proposed new or amended zoning ordinance of a municipality within its region, a regional council should analyze how the ordinance carries out those implementation strategies contained in the municipality's comprehensive plan that address regional issues, how the ordinance carries out the plan's regional coordination program, and whether the ordinance is consistent with the comprehensive plans and implementation programs of other municipalities that may be affected by the ordinance.

Comments submitted to the Office should, to the maximum extent feasible, specifically describe any deficiencies in the reviewed ordinance and recommend measures for remedying those deficiencies.

### 3. Office of Comprehensive Planning Comments

The Office must compile all written comments on a municipality's proposed new or amended zoning ordinance that it receives within the 45-day review period, and must submit the compilation of comments to the municipality and to the applicable regional council within 60 days of its receipt of the proposed ordinance. Where feasible, the Office must include in its comments findings describing ordinance deficiencies and recommended remedying measures.

The municipality must consider any written comments on its proposed comprehensive plan received from the Office within 60 days of the Office's receipt of the ordinance, and may incorporate any recommendations into its ordinance.

The Office's comments and recommendations are advisory, and the Act does not require municipality to incorporate them into its zoning ordinance. A municipal review authority should recognize, however, that any unaddressed comments and recommendations will affect the Office's decision on any subsequent request for certification of the municipality's local growth

management program as consistent with the Act. The municipality should also recognize that a favorable review by the Office may assist the municipality in supporting the validity of the zoning ordinance.

C. Zoning Ordinance Adoption

A proposed new or amended zoning ordinance will be considered to have been adopted as part of a local growth management program when it has been adopted by the municipality's legislative body in accord with that body's rules for adopting ordinances.

### VIII. MONITORING AND AMENDMENT OF LOCAL GROWTH MANAGEMENT PROGRAM

This section notes the need for monitoring local growth management programs, and describes the process and requirements applicable to periodic review and revision of local growth management programs and to other amendments of program components.

#### A. Need for Monitoring

Once a municipality has implemented its local growth management program, it should develop some means for monitoring the effectiveness of the program in achieving state and community goals. The local growth management program may fail to produce the desired results due to misjudgments in developing the program, unanticipated changes in those factors influencing local growth and development, or changes in community goals and values. By continually monitoring the program's effectiveness, the municipality can recognize program deficiencies and either adjust its implementation strategies or reevaluate the information and premises on which its policies were based.

Under the Act, a municipality's local planning committee is responsible for monitoring the local growth management program. Its monitoring activities might involve the regular collection and assessment of information about the amount and character of new development, the affordability of new housing, the amount of municipal expenditures on implementing programs, and other such factors. Its monitoring activities must at least involve a periodic review to account for changed conditions.

#### B. Periodic Review and Revisions

The Act requires a municipality to review and, if necessary, revise its local growth management program at least once every 5 years. In conducting the periodic review, the local planning committee should update and assess the comprehensive plan's information base, assess the degree to which comprehensive plan's goals and policies have been successfully achieved, identify obstacles or problems that have resulted in underachievement of goals and policies, consider new or modified policies and implementation strategies needed to correct discovered problems, and ensure a high degree of broad citizen participation.

If, in response to such periodic review, the municipality amends its comprehensive plan or the zoning ordinance component of its implementation program, it must submit the amended plan or ordinance to the Office of Comprehensive Planning for review and comment. The process and requirements applicable to state and regional council review of the amended plan or ordinance will be the same as those applicable to the original plan or ordinance. The municipality must file a copy of any adopted amendment to the zoning ordinance component of its implementation program with the Office within 30 days of adoption.

C. Other Revisions

1. **Comprehensive Plan**

The process of developing a comprehensive plan involves extensive analysis of a broad range of subjects and issues. It should result in a plan that contains policies and implementation strategies that are strongly based on comprehensive analyses of data and community values and thorough evaluations of the impacts of and interrelationships among the various policies and strategies.

Because of this comprehensiveness and degree of interrelationships, any amendment of the comprehensive plan should take place only after full consideration of the impacts of the proposed change on other parts of the plan. Such consideration will exist during periodic reviews, but may be lacking if the plan is subjected to frequent amendment proposals triggered by specific development proposals.

A municipality should therefore be careful not to fall into the practice of amending its comprehensive plan in a piecemeal manner, without a comprehensive evaluation of the issues generating the amendment proposal and the place of the proposed amendment within the comprehensive plan.

2. **Implementation Program Components**

Each component of a municipality's implementation program must be consistent with the implementation strategies contained in the municipality's

comprehensive plan and with the provisions of the Act. Any amendment of an implementation program component must maintain that consistency. When considering proposed amendments of any component of the implementation program, a municipality should be careful to of note whether the issues addressed by amendments suggest a need to revise the comprehensive plan. If they do, the municipality must revise its comprehensive plan before adopting the amendments.

Although the Act does not require state and regional council review of those amendments of implementation program components developed outside of the periodic review of the local growth management program, it does require a municipality to file a copy of such amendments of its zoning ordinance with the Office of Comprehensive Planning within 30 days of adoption.

IX. STATE ASSISTANCE PROGRAMS

To provide municipalities with the tools and resources to develop effective comprehensive plans and implementation programs, the Act establishes a number of state programs of technical and financial assistance to municipalities and regional councils. These programs include the following:

- a matching grants program to financially assist municipalities in the preparation of comprehensive plans;
- a matching grants program to financially assist municipalities in the preparation and administration of implementation programs;
- a program providing technical assistance to municipalities through the funding and training of growth management coordinators on the staffs of regional councils and from the staff of the State's Office of Comprehensive Planning;
- a program to assist regional councils in the development of regional policies, assessments, and education and training programs;
- a program to train municipal code enforcement officers; and
- a program to financially assist municipalities with the legal defense of land use ordinances adopted as part of a certified growth management program.

## DEFINITIONS

### Affordable Housing

A housing unit is affordable to a particular household if the monthly shelter costs associated with the unit do not exceed a reasonable percentage of the household's monthly income. For purposes of assessing what housing costs are affordable to particular households, or categories of households, municipalities should apply the following parameters:

- i) A renter-occupied housing unit is considered affordable to a household of a particular size and income if the unit's monthly estimated rent, insurance costs, and utility costs do not exceed 30% of the household's monthly income.
- ii) A owner-occupied housing unit is considered affordable to a household of a particular size and income if the unit's sales price or value does not exceed that for which monthly estimated mortgage payments (including principal and interest), property tax, insurance costs (homeowner's and private mortgage insurance), maintenance costs, and utility costs would equal 28% of the household's monthly income.
- iii) The median household income used by a municipality shall be that provided annually by the Maine Department of Economic and Community Development.

### Archeological Resources

Location of a significant prehistoric event or activity that contains remains, objects or landforms ( e.g. Indian mounds).

### Capital Investment Plan

A capital investment plan refers to that part of a comprehensive plan's implementation strategy section that sets forth general funding priorities among those needed new or expanded public facilities for which the municipality has fiscal responsibility, and identifies probable funding sources and financing mechanisms for the provision of the needed municipal facilities.

A capital investment plan differs from a capital improvements program in that it involves financial concerns only (rather than planning, engineering, and financial concerns), deals with only major capital improvements (rather than with all proposed capital improvements), is based on rough cost estimates (rather than detailed cost estimates based on engineering studies), involves only general priority-setting (rather than year-by-year scheduling of capital improvement projects), and identifies only probable funding sources and mechanisms (rather than specific year-by-year scheduling of capital improvement projects).

#### Coastal Heritage Areas

Areas identified by the State Planning Office as containing an assemblage of geological, botanical, zoological, historical or scenic features of exceptional state of national significance. (as defined by Title 5 Sec. 3315)

#### Coastal Wetlands

Means all tidal and subtidal lands, including all areas below any identifiable debris line left by tidal action; all areas with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous lowland which is subject to tidal action or annual storm flowage at any time excepting periods of maximum storm activity. Coastal wetlands may include portions of coastal sand dunes.

#### Commercial Agricultural Land

Means any land that participates or qualifies to participate in the Farm and Open Space Tax Law (36 M.R.S.A. 1101). [Any tract or tracts of land, including woodland and wasteland of at least 5 contiguous acres on which farming or agricultural activities have produced a gross income of at least \$2,000 per year in one of the 2 or 3 of the 5 calendar years preceding the date of application for classification].

#### Commercial Fishing Activities

Includes activities directly related to commercial fishing and those commercial activities commonly associated with or



supportive to commercial fishing, such as the manufacture or sale of ice, bait, and nets and the sale, manufacture, installation, or repair of boat, engines, and other electronic devices commonly used on boats. (38 M.R.S.A. Sec. 436)

#### Commercial Forest Land

Means any land that participates or qualifies to participate in the Tree Growth Tax Law (36 M.R.S.A. 573). [land used primarily for growth of trees and forest products, but shall not include ledge, marsh, open swamp, bog, water and similar areas, which are unsuitable for growing a forest type even though such areas may exist within forest lands. Land which would otherwise be included within this definition shall not be excluded because of multiple use for public recreation. Parcels of land containing less than 10 acres of forest land shall not be included in this definition.]

#### Freshwater Wetlands

Means freshwater swamps, marshes, bogs, and similar areas which are of 10 or more contiguous acres, characterized predominantly by wetland vegetation. (38 M.R.S.A. 480)

#### Functionally Water Dependent Uses

Means those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal waters and which cannot be located away from these waters. (38 M.R.S.A. 436)

#### Historic Resources

Lands with structures and objects that are of local, state or national historic significance.

#### Maritime Activities

Includes the construction, repair, storage, loading and unloading of boats, chandlerly, and other commercial activities designed and intended to facilitate maritime trade. (38 M.R.S.A. 436)

#### Port and Harbor Areas

Includes areas that have a minimum of five feet of water at low tide, provide vessel protection during coastal storms,

have adjacent land areas with a slope of less than 15% for 250 feet back from the normal high tide line, or have been traditionally used by commercial and recreational vessels. (Coastal Management Policies Guidelines, Coastal Advisory Committee, December 1986)

#### Prime Farmland

Land that meets the state-wide definition of prime farmland as defined by the Soil Conservation Service. ( see Soil Conservation Service's Determination of Farmland State-wide Important and Local Importance, April 8, 1983)

#### Public Shoreland Access

Means the ability to enter, approach, pass to and from, see over or through, and make use of shoreline areas and coastal resources. (Coastal Management Policy Guidelines, Coastal Advisory Committee, December 1986).

#### Sand Dunes

Sand deposits within a marine beach system, including, but not limited to, beach berms, frontal dunes, dune ridges, back dunes and other sand areas deposited by wave or wind action.

#### Scenic Areas

Areas designated by a municipality as being highly scenic and contributing to the character of the town. Such sites include views of a special feature from public places such as roads or parks ( e.g. a mountain range), natural or cultural features within recognized view corridors (e.g. a lighthouse), or parts of the municipality that contribute to the character of the town ( e.g. a village square).

#### Shoreland Areas

The land areas within 250 feet of the normal high water mark or any pond, river, salt water body that falls under the jurisdiction of the Mandatory Shoreland Zoning Act (38 M.R.S.A. 435).

#### Significant Plant Habitat

Areas identified by the Critical Areas Program of the Maine State Planning Office or the Natural Heritage Data Base as being important habitat for plants of state, regional, or local significance.

### Significance Wildlife and Fisheries Habitat

Means the following areas to the extent that they have been mapped by the Department of Inland Fisheries and Wildlife: Habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department; critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Salmon Commission; and shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife. (38 M.R.S.A. 480).

### Unique Natural Areas

Unique natural areas includes areas registered, qualified but not registered, or nominated as a Critical Area by the State Planning Office; areas designated as a national natural landmark; occurrences of endangered, threatened, or rare plants, animals, and natural communities as identified by the Natural Heritage Data Base in the Department of Economic and Community Development; and fragile mountain areas above 2,700 feet in elevation from mean sea level.

### Wetland

Means both Coastal and Freshwater wetlands as defined above.

## Appendix A

### COASTAL MANAGEMENT POLICIES (38 MRSA 1801)

1. Port and harbor development. Promote the maintenance, development and revitalization of the State's ports and harbors for fishing, transportation and recreation;
2. Marine resource management. Manage the marine environment and its related resources to preserve and improve the ecological integrity and diversity of marine communities and habitats, to expand our understanding of the communities and habitats, to expand our understanding of the productivity of the Gulf of Maine and coastal waters and to enhance the economic value of the State's renewable marine resources;
3. Shoreline management and access. Support shoreline management that gives preference to water-dependent uses over other uses, that promotes public access to the shoreline and that considers the cumulative effects of development on coastal resources;
4. Hazard area development. Discourage growth and new development in coastal areas where, because of coastal storms, flooding, landslides or sea-level rise, it is hazardous to human health and safety;
5. State and local cooperative management. Encourage and support cooperative state and municipal management of coastal resources;
6. Scenic and natural areas protection. Protect and manage critical habitat and natural areas of state and national significance and maintain the scenic beauty and character of the coast even in areas where development occurs;
7. Recreation and tourism. Expand the opportunities for outdoor recreation and encourage appropriate coastal tourist activities and development.
8. Water quality. Restore and maintain the quality of our fresh, marine and estuarine waters to allow for the broadest possible diversity of public and private uses; and
9. Air Quality. Restore and maintain coastal air quality to protect the health of citizens and visitors and to protect enjoyment of the natural beauty and maritime characteristics of the Maine coast.

